

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

JANICE STEVENSON,

Plaintiff,

V.

# NEIGHBORHOOD HOUSE CHARTER SCHOOL,

Defendant.

CIVIL ACTION NO. 05-CV-11584-DPW

**DEFENDANT’S RESPONSE TO PLAINTIFF’S OBJECTIONS  
TO ORDER OF THE MAGISTRATE JUDGE**

Defendant Neighborhood House Charter School (“Defendant,” “NHCS” or the “School”) hereby responds to Plaintiff’s Motion of Objections to the Majistrate’s [sic] Proposed Order and Findings (docket entry no. 50) (“Plaintiff’s Objections”) and renews its request for sanctions against Plaintiff Janice Stevenson (“Plaintiff” or “Stevenson”) for her continuing pattern of dilatory, bad faith filings intended to harass the School and squander its resources.

## BACKGROUND

This lawsuit is only one component of a comprehensive campaign of harassment that Plaintiff commenced against NHCS after the School terminated its relationship with her company, TuckNT. She has commenced frivolous proceedings against the School in at least ten (10) different fora, and she has threatened to commence still further baseless litigation against

the School and its constituents.<sup>1</sup> *See* Defendant's Memorandum Regarding Ancillary Administrative Proceedings (docket entry no. 25).<sup>2</sup>

The manner in which Stevenson has conducted herself in litigating this matter reflects her intention to pursue the case as nuisance litigation. She has filed numerous motions seeking relief that is procedurally inappropriate and wholly without a basis in the law. *See, e.g.*, Plaintiff's Motion to Compel Payment of Vacation Wages (docket entry no. 35) and Plaintiff's Motion for Rule 11 Sanctions (docket entry no. 37). Stevenson has also refused to cooperate in discovery, and thereby forced NHCS to expend considerable resources in filing motions to compel. She has refused to produce centrally relevant documents responsive to NHCS's proper requests with no valid basis.<sup>3</sup> *See* Defendant's Motion to Compel Production of Documents and for Sanctions (docket entry no. 32). She also refused to participate in her deposition, asserting inapplicable constitutional privileges, refusing to testify regarding subjects that she believed would be harmful to her case, and refusing even to look at documents placed in front of her as exhibits. *See* Defendant's Motion for Terminating Sanctions, or in the Alternative, to Compel Deposition Testimony (docket entry no. 41).

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<sup>1</sup> At her deposition in this matter, Stevenson threatened to file suit against NHCS for defamation and threatened to sue the School's counsel for inconveniencing her by taking her deposition. *See* Excerpted Transcript of Deposition of Janice Stevenson, 84:21 – 85:18, 423:6 – 425:3, 466:2-19, attached hereto as Exhibit A.

<sup>2</sup> Since filing its brief regarding the proceedings that Stevenson has commenced against the School, NHCS has learned that she has filed charges or claims against the School with the U.S. Bankruptcy Court for the District of Massachusetts, U.S. Department of Labor's ("USDOL") Employee Benefits Security Administration, USDOL's Wage and Hour Division, the Massachusetts Department of Revenue, the Massachusetts Appellate Tax Board, and the Massachusetts Attorney General's Office, in addition to this case and the three proceedings listed in the School's brief.

<sup>3</sup> A prime example of Stevenson's obstinance in this regard is her refusal to produce copies of her income tax returns, which she has admitted to exist. Hearing Trans. 12:1-11, 15:19-23. She has also failed and refused to produce journals that she claims to contain contemporaneous accounts of the hours she spent providing services to the School. *See* Hearing Trans. 5:18-24. Moreover, as detailed below, Plaintiff has continued to attach relevant and responsive documents that she has not produced to NHCS in this matter to her filings with various other courts and agencies.

On November 6, 2006, Magistrate Judge Alexander held a hearing on all pending motions in this action. A transcript of the hearing is attached as Exhibit B. After affording Plaintiff a full opportunity to be heard, Magistrate Judge Alexander found that Plaintiff had engaged in an “apparently deliberate failure to respond to legitimate discovery requests” and that her inability to defend the motions she had filed substantiated Defendant’s contention that Stevenson has acted in “frivolous and dilatory manner.” Order, p. 4; *see also* Hearing Trans., 26:12 – 27:4 (“you have used dilatory tactics, you have refused to give information, you have clearly submitted frivolous motions, and your behavior, while the Court always should give a *pro se* plaintiff some leeway and some room, you’ve had a house.”). Magistrate Judge Alexander’s Order went on to state expressly that the Court will impose harsh sanctions on Plaintiff, including monetary penalties and the dismissal of her case, if she engages in further misconduct. Order, pp. 4-5.

Undeterred by Magistrate Judge Alexander’s Order, Plaintiff proceeded to escalate her campaign of harassment and dilatory gamesmanship. Immediately after receiving a notice for her continued deposition, as Ordered by the Court, Plaintiff sent an e-mail to NHCS’s counsel taking the ludicrous position that she could not appear at the offices of Seyfarth Shaw for her deposition (as she had done twice before) and requesting that her deposition be taken in various other Boston neighborhoods, some of which were mere blocks from Seyfarth Shaw’s offices in the Seaport District. A copy of the November 8, 2006 e-mail exchange between Plaintiff and NHCS’s counsel is attached as Exhibit C. In the same message, Plaintiff also purported to serve additional document requests on NHCS in violation of Local Rule 26.1, after the School’s counsel had previously informed Plaintiff that she had exceeded her allotted number of requests.

Plaintiff then augmented her obstructionist tactics in this action by filing a motion with the U.S. Bankruptcy Court for the District of Massachusetts requesting relief related to discovery issues in this case. On November 13, 2006, Plaintiff filed a “Motion and Memorandum in Support to Quash Subpoena” asking the Bankruptcy Court to take action against NHCS for serving a subpoena seeking bank records that she maintained on behalf of herself and TuckNT, the entity through which she provided services to the School. A copy of Stevenson’s filing (redacted to exclude highly confidential and irrelevant information) is attached as Exhibit D. In those papers, she offered the indefensible argument that, merely by taking discovery in this matter, NHCS had violated the automatic bankruptcy stay and engaged in prohibited discrimination and retaliation against her. To compound her procedurally inappropriate and meritless attack, Stevenson attached to her public filing a document containing highly confidential information regarding NHCS’s employees (*i.e.*, the proposed salaries for the School’s entire staff), which bears no relation whatsoever to any issue pending before the Bankruptcy Court.<sup>4</sup>

#### **ARGUMENT**

Stevenson objections provide no coherent basis for the Court to modify the Magistrate Judge’s Order and her continued frivolous filings only serve to justify the imposition of further sanctions against her.

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<sup>4</sup> Stevenson’s transgression in this regard is made all the more intolerable by the fact that, in defense of her failure to produce any documents in this matter, she had just one week earlier averred in open Court that she had no documents whatsoever pertaining to NHCS. Hearing Trans. 13:4 – 14:15. Plaintiff’s continuing to attach such documents to her submissions to various courts and agencies leaves no room for doubt as to the propriety of Magistrate Judge Alexander’s Order on Defendant’s Motion to Compel Production of Documents.

**I. The Court's Should Amend the Magistrate Judge's Order Only Upon a Showing of Clear Error**

The scope of the Court's review of the Magistrate Judge's Order in this matter is limited because the Order pertains only to non-dispositive motions. *See* Fed.R.Civ.P. 72(a); *Haines v. Liggett Group, Inc.*, 975 F.2d 81, 91 (3d Cir. 1992) (District Judge is to reconsider non-dispositive matter submitted to Magistrate Judge only where it has been shown that Magistrate's Order is "clearly erroneous or contrary to law"); 12 Wright & Miller, Fed. Prac. & Proc. § 3069 (2d ed. 1997) ("it is extremely difficult to justify alteration of the magistrate judge's nondispositive actions by the district judge."). Magistrate Judge Alexander expressly limited her Order to non-dispositive matters, and she declined to rule on one pending motion on the grounds that it was properly considered to be a dispositive motion. Order, p. 2 ("Plaintiff's Motion to Compel Payment of Vacation Wages will not be heard by this Court as it is not a discovery motion but one that is dispositive in nature."). The Court should, therefore, reject Plaintiff's request for a *de novo* review of the motions addressed by the Magistrate Judge's Order.

**II. Stevenson's Objections Are Misplaced and Incoherent**

Stevenson has provided no valid basis to modify the Magistrate Judge's Order, regardless of the standard of review that the Court applies. Many of the statements in Plaintiff's Objections are simply incoherent. From the statements that NHCS is able to interpret, it appears that Stevenson's objections are based on a fundamental misinterpretation of the Magistrate's Order. For example, Plaintiff's Objections make reference to "issue-preclusion sanctions" and "issue-establishment sanctions" and claim that the Magistrate Judge failed to apply the proper standard for such relief. *See* Plaintiff's Objections, p. 2, ¶ 7. In fact, the Magistrate Judge's Order is far more limited and simply requires that Plaintiff promptly produce documents responsive to

NHCS's requests and states that Plaintiff will not be allowed later to rely on documents that she fails to produce in the course of discovery.

In addition to misconstruing the terms of the Magistrate's Order, Plaintiff's Objections also rely on assertions of fact that are demonstrably false. For example, Plaintiff claims that NHCS's motions to compel are procedurally improper because NHCS did not fulfill the meet and confer requirements of Fed.R.Civ.P. 37. *See* Plaintiff's Objections, p. 2, ¶ 6. In fact, both NHCS's motion to compel production of documents and the School's motion to compel deposition testimony are supported by certificates of compliance with the applicable rules and documentation of conferences between NHCS's counsel and Stevenson.<sup>5</sup>

Still other statements in Plaintiff's Objections constitute a misunderstanding of the discovery process. In some cases, Plaintiff attempts to assert inapplicable privileges that provide no basis for modifying the Magistrate Judge's Order. For example, Plaintiff appears to argue (for the first time) that her income tax returns are subject to the protections of the work product doctrine.<sup>6</sup> *See* Plaintiff's Objections, p. 2, ¶¶ 8-9. Similarly, Plaintiff argues that NHCS should not be allowed to take discovery regarding both her status as an independent contractor and her status as an FLSA-exempt administrative employee because such discovery is "unfocused." *See* Plaintiff's Objections, p. 2. These arguments are entirely misplaced and serve only to squander the resources of the Court.

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<sup>5</sup> Attached as Exhibit 3 to Defendant's Memorandum in Support of It's Motion to Compel Production of Documents (docket entry no. 32) is correspondence reflecting attempts by NHCS's counsel to confer with Stevenson regarding her discovery obligations and making express reference to Local Rule 37.1. Similarly, Defendant's Motion for Terminating Sanctions, or in the Alternative, to Compel Deposition Testimony (docket entry no. 41) is supported by on-the-record conferences between NHCS's counsel and Stevenson regarding Plaintiff's refusal to cooperate in discovery and NHCS's intent to seek relief from the Court.

<sup>6</sup> Such an objection is plainly flawed in that there is no suggestion that such documents were prepared in anticipation of litigation, and in any event, any privileges applicable to the document would have been waived when she filed them with state and federal tax authorities.

In sum, Plaintiff's Objections fail to identify any arguable error of law in the Magistrate's Order and provide no basis for amending that Order.

### **III. The Court Should Deny Plaintiff's Request to Certify this Matter for a Discretionary Interlocutory Appeal**

In addition to her misplaced objections, Plaintiff requests that the Court certify the matters raised by the Magistrate Judge's Order for interlocutory appeal. This request is also completely without support. Interlocutory appeals of the type that Stevenson now seeks are reserved for orders involving "a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal . . . may materially advance the ultimate termination of the case. . . ." 28 U.S.C. § 1292(b). The matters addressed by Magistrate Judge Alexander's Order are limited to the resolution of prosaic discovery disputes, and they implicate no substantive questions of law whatsoever, much less do they raise a unique question on which immediate appellate guidance is necessary. *U.S. v. Salter*, 421 F.2d 1393, 1394 (1st Cir. 1970) (discovery matters typically involve no controlling question of law and are not suited for interlocutory appeal). The Court should, therefore, deny Plaintiff's request to certify this matter for interlocutory appeal.

### **IV. Stevenson's Objections Substantiate The Magistrate Judge's Order and Illustrate the Need for Further Sanctions Against Plaintiff**

Plaintiff's Objections, like her prior filings in this case, serve no purpose other than to cause undue distraction and expense to the School and to squander the resources of this Court. The incoherent nature of Plaintiff's arguments and her misconstruction of the Magistrate Judge's Order reflect that her objections are not submitted in good faith. Moreover, Plaintiff has sought to evade the terms of the Order and engaged in further vexatious conduct by dragging a discovery dispute arising out of this case into the Bankruptcy Court and publishing confidential and highly sensitive information regarding the School's employees. The Court should not

continue to tolerate Stevenson's intractable pattern of misconduct or her blatant disregard for its procedures, and it should levy the harshest sanctions against her, including the dismissal of her claims with prejudice.

WHEREFORE, Defendant Neighborhood House Charter School requests that the Court affirm and adopt the Magistrate Judge's Order (docket entry no. 48) and enter further sanctions against Plaintiff Janice Stevenson including the dismissal of her claims in this matter with prejudice and a substantial monetary sanction.

Respectfully submitted,

NEIGHBORHOOD HOUSE  
CHARTER SCHOOL,  
By its attorneys,

/s/ Barry J. Miller

Lynn A. Kappelman (BBO # 642017)

Barry J. Miller (BBO # 661596)

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World Trade Center East

Two Seaport Lane, Suite 300

Boston, MA 02210-2028

Telephone: (617) 946-4800

Telecopier: (617) 946-4801

DATED: November 20, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the Court's ECF system and that a true copy of the above document was served on Plaintiff *pro se* Janice Stevenson by first class U.S. mail to P.O. Box 400372, Cambridge, MA 02140 on November 20, 2006.

/s/ Barry J. Miller

Barry J. Miller



Janice L. Stevenson

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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JANICE STEVENSON

Plaintiff

Civil Action

v.

No. 05-CV-11584-DPW

NEIGHBORHOOD HOUSE CHARTER SCHOOL

Defendant

- - - - - x

DEPOSITION of JANICE L. STEVENSON

Thursday, September 7, 2006

10:30 a.m.

Seyfarth Shaw LLP

Two Seaport Lane

Boston, Massachusetts

Michelle Keegan, Court Reporter

Janice L. Stevenson

09/07/2006

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<p>11:42:01 1 have in mind? You just told me you have in mind</p> <p>11:42:03 2 some sort of lawsuit you're contemplating</p> <p>11:42:06 3 initiating; is that right?</p> <p>11:42:06 4 A. No. It's more like getting my money.</p> <p>11:42:08 5 Q. From whom?</p> <p>11:42:09 6 A. Your client.</p> <p>11:42:14 7 Q. You've already initiated several proceedings</p> <p>11:42:16 8 against the school, right?</p> <p>11:42:18 9 A. You haven't paid my Social Security. You</p> <p>11:42:20 10 know that, right?</p> <p>11:42:21 11 Q. So you're talking about filing some sort of</p> <p>11:42:23 12 complaint that would relate to payment of Social</p> <p>11:42:26 13 Security taxes?</p> <p>11:42:27 14 A. Yes. As my employer you're responsible for</p> <p>11:42:29 15 reporting that.</p> <p>11:42:30 16 Q. And with whom do you contemplate filing this</p> <p>11:42:34 17 complaint?</p> <p>11:42:35 18 A. Well, it's the IRS, isn't it? Aren't they</p> <p>11:42:39 19 responsible for Social Security? It's the IRS,</p> <p>11:42:41 20 right?</p> <p>11:42:41 21 Q. You've already filed one lawsuit with the</p> <p>11:42:44 22 IRS pertaining to the school, right? Do you recall</p> <p>11:42:47 23 that you filed a Form SS-8?</p> <p>11:42:49 24 A. That doesn't have to do with my Social</p>	<p>11:43:55 1 have a malpractice claim against?</p> <p>11:43:57 2 A. Yeah.</p> <p>11:43:58 3 Q. Who is that?</p> <p>11:43:59 4 A. My last attorney.</p> <p>11:44:02 5 Q. Are you referring to Mr. Davis?</p> <p>11:44:03 6 A. Yeah. Waste of my time.</p> <p>11:44:07 7 Q. What do you believe that he did that</p> <p>11:44:11 8 constituted malpractice?</p> <p>11:44:13 9 A. That settlement agreement.</p> <p>11:44:18 10 Q. What about the settlement agreement did he</p> <p>11:44:20 11 do that you believe constituted --</p> <p>11:44:22 12 A. First, I think it was illegal.</p> <p>11:44:24 13 Q. In what respect?</p> <p>11:44:25 14 A. I think it violated the law, I think it was</p> <p>11:44:28 15 against IRS code, and I think it was totally biased</p> <p>11:44:35 16 against me. If I signed, I felt like I would have</p> <p>11:44:43 17 been lying to the Internal Revenue.</p> <p>11:44:47 18 Q. Okay. Anything else that you believe that</p> <p>11:44:49 19 Mr. Davis did that constitutes malpractice?</p> <p>11:44:51 20 A. That's it.</p> <p>11:44:56 21 Q. Okay. So we've covered your contemplated</p> <p>11:45:00 22 claims involving Mr. Davis and we've covered the</p> <p>11:45:02 23 Social Security issue you may have with NHCS. Are</p> <p>11:45:05 24 you contemplating any other legal filings?</p>
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<p>11:42:51 1 Security. It's unreported because my wages against</p> <p>11:42:54 2 my taxes don't reflect what Social Security has.</p> <p>11:42:59 3 Q. So your testimony is that you're</p> <p>11:43:00 4 contemplating initiating some sort of proceeding in</p> <p>11:43:03 5 which you would seek -- Let me get the question out</p> <p>11:43:05 6 please.</p> <p>11:43:05 7 Your testimony is that you're</p> <p>11:43:07 8 contemplating initiating some sort of proceeding</p> <p>11:43:09 9 that would have the goal of compelling the school to</p> <p>11:43:14 10 pay Social Security contribution?</p> <p>11:43:16 11 A. Yes.</p> <p>11:43:16 12 Q. Okay. And you're contemplating filing that</p> <p>11:43:20 13 with the IRS, right?</p> <p>11:43:21 14 A. Yes.</p> <p>11:43:23 15 Q. Any other proceedings that you're</p> <p>11:43:27 16 contemplating filing against any person or entity at</p> <p>11:43:30 17 this time?</p> <p>11:43:31 18 A. I don't know.</p> <p>11:43:35 19 Q. You don't know if you're contemplating any</p> <p>11:43:39 20 other --</p> <p>11:43:40 21 A. Stuff crosses your mind, like lawyers who</p> <p>11:43:43 22 jack you off, take your money, bad counsel,</p> <p>11:43:51 23 malpractice, stuff like that.</p> <p>11:43:52 24 Q. Is there a lawyer who you believe you may</p>	<p>11:45:07 1 A. Beyond my claim, probably defamation or</p> <p>11:45:17 2 slander by your client.</p> <p>11:45:18 3 Q. By my client you're referring to NHCS?</p> <p>11:45:23 4 A. Yes.</p> <p>11:45:23 5 Q. What would be the nature of the defamation</p> <p>11:45:25 6 claim you're seeking?</p> <p>11:45:25 7 A. For one thing, the letters written by their</p> <p>11:45:28 8 attorney saying I'm harassing them for wanting my</p> <p>11:45:30 9 unemployment. And I can't see the state legislature</p> <p>11:45:38 10 having an agency that harasses employers because if</p> <p>11:45:45 11 I ask for a hearing saying I'm owed unemployment</p> <p>11:45:49 12 wages or compensation or benefits and I initiate</p> <p>11:45:54 13 that proceeding under state law, or whatever, and I</p> <p>11:46:01 14 have an attorney who says I'm harassing them, I</p> <p>11:46:05 15 think that's defamation of character and slander.</p> <p>11:46:08 16 Q. Okay. Any other claims that you contemplate</p> <p>11:46:11 17 filing against any person or entity?</p> <p>11:46:13 18 A. NHCS.</p> <p>11:46:22 19 Q. So we've now exhausted the claims that</p> <p>11:46:24 20 you're considering filing at this point, right?</p> <p>11:46:26 21 A. There is no exhaust.</p> <p>11:46:29 22 Q. With you I believe that.</p> <p>11:46:31 23 Other than the few that you've just told</p> <p>11:46:33 24 me about, you're not contemplating at this time any</p>

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

- - - - - x

JANICE STEVENSON

Plaintiff

Civil Action

v.

No. 05-CV-11584-DPW

NEIGHBORHOOD HOUSE CHARTER SCHOOL

Defendant

- - - - - x

CONTINUED DEPOSITION of JANICE L. STEVENSON

Thursday, September 14, 2006

10:37 a.m.

Seyfarth Shaw LLP

Two Seaport Lane

Boston, Massachusetts

Michelle Keegan, Court Reporter

Janice L. Stevenson, Vol. 2

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<p>10:45:45 1 that had anything to do with NHCS. Do you recall that?</p> <p>10:45:48 2 that?</p> <p>10:45:48 3 A. I recall that.</p> <p>10:45:49 4 Q. And have you searched your files and assured yourself that you have no additional documents responsive to NHCS?</p> <p>10:45:54 6 responsive to NHCS?</p> <p>10:45:56 7 A. I don't have any more files other than what we discussed last time.</p> <p>10:46:03 8 we discussed last time.</p> <p>10:46:05 9 Q. And did you search through your e-mail account as we discussed last time?</p> <p>10:46:08 10 account as we discussed last time?</p> <p>10:46:10 11 A. Not really.</p> <p>10:46:15 12 Q. Okay. You'll recall you testified last time that it's your practice to scan documents that you deem to be important and preserve them in your g-mail account; is that right?</p> <p>10:46:21 14 g-mail account; is that right?</p> <p>10:46:23 15 A. Well, this is true, but I also just stated if I -- Say, for instance, I had my unemployment coming up and I thought there were e-mails pertinent to my unemployment claim, then I will scan -- I would search that because I had to try to produce some -- for monetary stuff or to prove employment services, but I don't see how I could correlate that to this.</p> <p>10:46:54 23 to this.</p> <p>10:46:55 24 Q. What we've asked you to do is to go through</p>	<p>10:48:13 1 A. Really? Every one of them?</p> <p>10:48:16 2 Q. All the documents we had at your last deposition.</p> <p>10:48:18 3 deposition.</p> <p>10:48:19 4 A. Great.</p> <p>10:48:19 5 Q. You remember last time we talked about --</p> <p>10:48:23 6 A. Can I ask you another question?</p> <p>10:48:26 7 Q. What do you have to say?</p> <p>10:48:27 8 A. You know, when I filed this lawsuit, an attorney filed it, right?</p> <p>10:48:33 9 attorney filed it, right?</p> <p>10:48:34 10 Q. Are you're referring to Mr. Davis?</p> <p>10:48:37 11 A. Yeah. I need to know, who is your registered agent or person for service of process for the school?</p> <p>10:48:39 12 registered agent or person for service of process for the school?</p> <p>10:48:43 13 Q. I'm not sure I understand your question.</p> <p>10:48:45 14 A. Who am I serving -- If I want to initiate another claim unrelated to this, who do I serve it on? I'm not sure.</p> <p>10:48:51 16 A. Who am I serving -- If I want to initiate another claim unrelated to this, who do I serve it on? I'm not sure.</p> <p>10:48:55 17 Q. It would depend. And you would have to have an attorney that advises you.</p> <p>10:48:58 19 an attorney that advises you.</p> <p>10:49:00 20 A. I don't have an attorney. I'm asking you.</p> <p>10:49:01 21 Q. I can't give you legal advice,</p> <p>10:49:03 22 Ms. Stevenson.</p> <p>10:49:04 23 A. You're this client's attorney. I'm asking you to whom when I serve that.</p> <p>10:49:07 24</p>
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<p>10:46:57 1 your g-mail account, look through it, conduct any searches that may bring up documents that pertain to NHCS, TuckNT, the services that TuckNT provided to NHCS or anything else that bears on your claims in this matter in any way. Do you understand that?</p> <p>10:47:14 5 this matter in any way. Do you understand that?</p> <p>10:47:14 6 A. Yeah. We talked about it, but I don't have anything that -- unless I were to have given it to you, that I see correlates to my wage claim here.</p> <p>10:47:20 7 anything that -- unless I were to have given it to you, that I see correlates to my wage claim here.</p> <p>10:47:26 8 you, that I see correlates to my wage claim here.</p> <p>10:47:33 9 Q. So is it your testimony that other than the documents that we marked last time that constitute your document production, you have no other documents that bear on --</p> <p>10:47:35 10 documents that bear on --</p> <p>10:47:38 11 your document production, you have no other documents that bear on --</p> <p>10:47:39 12 documents that bear on --</p> <p>10:47:41 13 A. I don't think I do.</p> <p>10:47:41 14 Q. -- NHCS -- Let me get the question out -- that bear on NHCS, TuckNT, the relationship between TuckNT and NHCS or any other fact that might be related to this lawsuit?</p> <p>10:47:48 16 TuckNT and NHCS or any other fact that might be related to this lawsuit?</p> <p>10:47:52 17 related to this lawsuit?</p> <p>10:47:53 18 A. I don't think so.</p> <p>10:47:55 19 Know the exhibits you sent me last time?</p> <p>10:47:57 20 When I left -- Something just dawned on me when I was out the other day. Can I get copies of some of those exhibits?</p> <p>10:48:04 21 was out the other day. Can I get copies of some of those exhibits?</p> <p>10:48:07 22 those exhibits?</p> <p>10:48:07 23 Q. They've all been mailed to you. They'll probably be in your P.O. box today.</p> <p>10:48:11 24 probably be in your P.O. box today.</p>	<p>10:49:09 1 Q. It would depend on the nature of the claim.</p> <p>10:49:11 2 A. I told you, it's against the school.</p> <p>10:49:13 3 Q. Right. It would depend on the nature of the claim.</p> <p>10:49:15 4 claim.</p> <p>10:49:15 5 A. Are there different people for different claims?</p> <p>10:49:17 6 claims?</p> <p>10:49:17 7 Q. Potentially. I don't know what you have in mind.</p> <p>10:49:19 8 mind.</p> <p>10:49:19 9 A. Can you give me a list?</p> <p>10:49:21 10 Q. I can't give you a list. Let's have this discussion off the record, and that way we can deal with it in an efficient way. Okay? When we take a break we'll discuss that.</p> <p>10:49:23 11 discussion off the record, and that way we can deal with it in an efficient way. Okay? When we take a break we'll discuss that.</p> <p>10:49:25 12 with it in an efficient way. Okay? When we take a break we'll discuss that.</p> <p>10:49:29 13 A. Why can't we discuss it now?</p> <p>10:49:29 14 A. Why can't we discuss it now?</p> <p>10:49:31 15 Q. It takes up space on the record and it's not productive.</p> <p>10:49:34 16 Q. It takes up space on the record and it's not productive.</p> <p>10:49:35 17 A. Well, it's productive to me.</p> <p>10:49:36 18 Q. You understand, Ms. Stevenson, that the purpose of this deposition and the purpose of this transcript is for me to ask you questions about the claims you've asserted in this lawsuit. It's not for you to ask me questions of any kind and to deal with administrative matters like service of process Okay?</p> <p>10:49:38 19 purpose of this deposition and the purpose of this transcript is for me to ask you questions about the claims you've asserted in this lawsuit. It's not for you to ask me questions of any kind and to deal with administrative matters like service of process Okay?</p> <p>10:49:40 20 purpose of this deposition and the purpose of this transcript is for me to ask you questions about the claims you've asserted in this lawsuit. It's not for you to ask me questions of any kind and to deal with administrative matters like service of process Okay?</p> <p>10:49:42 21 purpose of this deposition and the purpose of this transcript is for me to ask you questions about the claims you've asserted in this lawsuit. It's not for you to ask me questions of any kind and to deal with administrative matters like service of process Okay?</p> <p>10:49:45 22 for you to ask me questions of any kind and to deal with administrative matters like service of process Okay?</p> <p>10:49:49 23 with administrative matters like service of process Okay?</p> <p>10:49:52 24 Okay?</p>

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<p>10:49:52 1 A. I think it's important.</p> <p>10:49:53 2 Q. I'm happy to deal with it off the record.</p> <p>10:49:55 3 Okay?</p> <p>10:49:58 4 You recall at the first session of your</p> <p>10:50:00 5 deposition we talked about the fact that you have an</p> <p>10:50:05 6 open bankruptcy case; is that right?</p> <p>10:50:06 7 A. Yes.</p> <p>10:50:07 8 Q. And how many times in your life have you</p> <p>10:50:12 9 filed for bankruptcy?</p> <p>10:50:13 10 A. How many times have I filed for bankruptcy?</p> <p>10:50:20 11 Q. That's the question.</p> <p>10:50:21 12 A. Okay. I didn't know there were numerous</p> <p>10:50:28 13 times you can file.</p> <p>10:50:29 14 Q. Is it your testimony you've only once in</p> <p>10:50:31 15 your life filed for bankruptcy?</p> <p>10:50:32 16 A. Yeah. Are you telling me there's other --</p> <p>10:50:35 17 Q. I'm not telling you anything. My purpose</p> <p>10:50:37 18 here is just to ask you questions.</p> <p>10:50:39 19 A. Are you implying I can do more?</p> <p>10:50:41 20 Q. I'm not implying anything. All you have to</p> <p>10:50:42 21 do is answer questions. You don't have to look</p> <p>10:50:44 22 behind them, you don't have to argue with me.</p> <p>10:50:46 23 A. If your questions generate questions, come</p> <p>10:50:48 24 on.</p>	<p>10:52:09 1 Do you recognize that document?</p> <p>10:52:09 2 A. I don't have my glasses.</p> <p>10:52:14 3 Q. I would have to ask you to read it.</p> <p>10:52:17 4 A. Didn't I just say I don't have my glasses?</p> <p>10:52:19 5 Q. You do not have your glasses with you?</p> <p>10:52:23 6 A. I'll try. Is this the -- 0312304. Okay.</p> <p>10:52:36 7 Q. Do you know what that document is?</p> <p>10:52:38 8 A. It's a printout, isn't it? What does it</p> <p>10:52:42 9 have on it?</p> <p>10:52:43 10 Q. If I were to represent to you that that's</p> <p>10:52:46 11 the docket from a bankruptcy filing to which you're</p> <p>10:52:48 12 a party, would you agree with that?</p> <p>10:52:50 13 A. I have one bankruptcy.</p> <p>10:52:53 14 Q. Exactly. Is that the docket from your</p> <p>10:52:55 15 bankruptcy file?</p> <p>10:52:56 16 A. Is that a docket?</p> <p>10:52:57 17 Q. I'm asking you.</p> <p>10:52:58 18 A. If you say that's a docket, that's a docket.</p> <p>10:53:00 19 Q. The purpose is not for me to testify here.</p> <p>10:53:02 20 My purpose is to get your understanding.</p> <p>10:53:05 21 A. You just handed me this document. You said</p> <p>10:53:08 22 it's a printout of a bankruptcy.</p> <p>10:53:10 23 Q. I invite you to look at it.</p> <p>10:53:12 24 A. I have one bankruptcy. If you print out</p>
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<p>10:50:48 1 Q. Your job is not to ask me questions here.</p> <p>10:50:51 2 Your job is just to respond to my questions. Okay?</p> <p>10:50:53 3 Do you understand that?</p> <p>10:50:54 4 A. Not really, but if I have a question, I</p> <p>10:50:57 5 can't ask you a question?</p> <p>10:50:57 6 Q. That's not the purpose here today.</p> <p>10:50:59 7 A. But if it clarifies your question.</p> <p>10:51:01 8 Q. If you don't understand my question, let me</p> <p>10:51:02 9 know and I'll rephrase it.</p> <p>10:51:04 10 A. But you won't answer my question if I don't</p> <p>10:51:07 11 understand your question?</p> <p>10:51:07 12 Q. I won't answer your questions.</p> <p>10:51:11 13 A. There's some fuzzy answers.</p> <p>10:51:13 14 Q. If you don't understand my questions, feel</p> <p>10:51:15 15 free to tell me you don't understand.</p> <p>10:51:20 16 To be clear, your testimony is you filed</p> <p>10:51:22 17 for bankruptcy once in your life; is that right?</p> <p>10:51:23 18 A. Yes.</p> <p>10:51:35 19 MR. MILLER: Let's mark this as the next</p> <p>10:51:37 20 exhibit.</p> <p>10:52:02 21 (Exhibit Number 14</p> <p>10:52:02 22 marked for identification)</p> <p>10:52:02 23 Q. Ms. Stevenson, I'm showing you a document</p> <p>10:52:07 24 that the court reporter has marked as Exhibit 14.</p>	<p>10:53:14 1 that bankruptcy, then this is it.</p> <p>10:53:16 2 Q. I want you to take a look at it --</p> <p>10:53:19 3 A. If I could see this. I can't read up close.</p> <p>10:53:21 4 Q. Do you have your glasses here today?</p> <p>10:53:23 5 A. No.</p> <p>10:53:23 6 Q. What kind of glasses do you need? Reading</p> <p>10:53:25 7 glasses?</p> <p>10:53:26 8 A. No. I have prescription glasses.</p> <p>10:53:27 9 Q. And you didn't bring them with you here</p> <p>10:53:30 10 today?</p> <p>10:53:30 11 A. No. I'm answering questions.</p> <p>10:53:35 12 Q. Okay. So you have no basis to dispute that</p> <p>10:53:39 13 that's the docket from your bankruptcy filing?</p> <p>10:53:41 14 A. If it says "bankruptcy," I can't dispute it.</p> <p>10:53:45 15 Q. And that case, as we discussed, is still</p> <p>10:53:52 16 open; is that right?</p> <p>10:53:52 17 A. Yeah.</p> <p>10:53:53 18 Hey, you know those exhibits? Can you</p> <p>10:53:56 19 kind of send them to me in digital form?</p> <p>10:53:58 20 Q. I don't have them in digital form. I can</p> <p>10:54:00 21 provide you in hard copy, which we've done.</p> <p>10:54:25 22 MR. MILLER: Let's mark that as 15,</p> <p>10:54:27 23 please.</p> <p>10:54:27 24</p>

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Janice L. Stevenson, Vol. 2

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<p>11:33:15 1 Q. Ms. Stevenson, are you going to refuse to  11:33:17 2 answer questions?  11:33:19 3 A. Ask me questions about --  11:33:21 4 Q. You will not --  11:33:22 5 A. Ask me questions about my time at  11:33:24 6 Neighborhood House Charter School.  11:33:25 7 Q. Ms. Stevenson, you will not tell me what  11:33:28 8 questions to ask. I will ask the questions that I  11:33:30 9 deem relevant.  11:33:31 10 A. I want to resolve.  11:33:32 11 Q. You're here to --  11:33:33 12 A. No. I want to resolve this case and move  11:33:35 13 on.  11:33:35 14 Q. What you want is not material. You're here  11:33:38 15 to respond as a party in litigation to a valid  11:33:40 16 discovery request.  11:33:41 17 A. Seyfarth Shaw doesn't want to resolve this  11:33:44 18 case. You just want to fight. That's what you want  11:33:46 19 to do.  11:33:47 20 Q. Are you done making speeches?  11:33:48 21 A. It's not a speech.  11:33:49 22 Q. What is it?  11:33:50 23 A. Observation. That's what the last attorney  11:33:52 24 said.</p>	<p>11:34:40 1 A. I'm not answering that question. And the  11:34:42 2 Fourteenth and the Seventh and the Ninth.  11:34:44 3 Q. What question are you refusing to answer?  11:34:46 4 A. Nonwage-related questions.  11:34:48 5 Q. Well, if you're going to assert an  11:34:51 6 objection, you need to assert it to a specific  11:34:53 7 question.  11:34:53 8 A. End, end, end.  11:34:56 9 Q. So for the record, you're going to refuse to  11:34:58 10 answer questions about a document marked as Exhibit  11:35:00 11 20; is that right?  11:35:00 12 A. How can I answer questions if I don't  11:35:04 13 remember it?  11:35:06 14 Q. I'm inviting you to take a look at the  11:35:08 15 document.  11:35:09 16 A. You want me to read it to you?  11:35:10 17 Q. I'm asking you to look at it and read it to  11:35:13 18 yourself.  11:35:13 19 A. If I'm looking at a document and I can't  11:35:16 20 recall it, what --  11:35:17 21 Q. Because I asked you to read it. That's your  11:35:19 22 obligation as a witness.  11:35:20 23 A. I'm not going to read it.  11:35:21 24 Q. I've asked you to read a one-page document,</p>
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<p>11:33:52 1 Q. That's --  11:33:53 2 A. That's your reputation. So if you just want  11:33:56 3 to fight this out, don't bring me in here and waste  11:34:00 4 my time. I've lost a job behind you. You're  11:34:03 5 interfering with my employment relationships. I'm  11:34:05 6 going to sue you.  11:34:06 7 Q. Ms. Stevenson, you understand that I've  11:34:08 8 marked as Exhibit 20 a document?  11:34:13 9 A. I don't think this deposition is going  11:34:13 10 anywhere.  11:34:15 11 Q. Ms. Stevenson, the reason it's not going  11:34:15 12 anywhere is because you refuse to answer my  11:34:18 13 questions.  11:34:18 14 A. Your questions that have nothing to do with  11:34:19 15 my claim.  11:34:20 16 Q. You understand that as a party to litigation  11:34:22 17 you have to respond to my questions. That's your  11:34:24 18 obligation. Do you understand that?  11:34:25 19 A. I'm taking the Fifth.  11:34:29 20 Q. You're taking the Fifth as to what? There's  11:34:32 21 no question on the table.  11:34:33 22 A. You objected last time, too. Just put the  11:34:36 23 Fifth out there.  11:34:38 24 Q. You're pleading the Fifth as to what?</p>	<p>11:35:24 1 and you're going to refuse?  11:35:25 2 A. Have you read it?  11:35:26 3 Q. I'm not going to answer your questions.  11:35:28 4 Your job here is not to debate with me. It's to  11:35:31 5 answer questions. Will you read the document,  11:35:32 6 please.  11:35:33 7 A. I don't remember the document.  11:35:33 8 Q. You haven't looked at it yet. I'm asking  11:35:36 9 you to read it to yourself. Ms. Stevenson, I'm  11:35:38 10 asking you to read the document to determine what  11:35:40 11 questions are appropriate to ask you.  11:35:42 12 A. Okay. Ask me the questions.  11:35:43 13 Q. I'm asking you to read the document to  11:35:45 14 yourself first.  11:35:46 15 A. But I don't remember it.  11:35:48 16 Q. How can you know you don't remember it if  11:35:51 17 you've refused to look at it?  11:35:52 18 A. Because you told me what it was.  11:35:53 19 Q. When did I tell you what it was?  11:35:55 20 A. You said it's something about me versus the  11:35:57 21 United States and something about Paul. Paul  11:36:00 22 Revere.  11:36:01 23 Q. For the record, the case is captioned "Paul  11:36:03 24 Brown, U.S. District Judge."</p>

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JANICE STEVENSON	.CIVIL ACTION NO. 05-11584-DPW
Plaintiff	.
	.
V.	.BOSTON, MASSACHUSETTS
NEIGHBORHOOD HOUSE CHARTER SCHOOL	.NOVEMBER 6, 2006
Defendant	.
. . . . .	

TRANSCRIPT OF MOTIONS HEARING  
BEFORE THE HONORABLE JOYCE LONDON ALEXANDER  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the plaintiff:	Janice Stevenson, pro se
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Court Reporter:

Proceedings recorded by digital sound recording, transcript  
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Proceedings

3



P R O C E E D I N G S

(Court called into session)

THE CLERK: In the matter of Janice Stevenson v. Neighborhood House Charter School, Civil Action 05-11584. Will the parties please identify themselves for the record?

MS. STEVENSON: I'm Janice Stevenson the plaintiff.

MR. MILLER: Barry Miller of Seyfarth Shaw for defendant, Neighborhood House Charter School, Your Honor.

THE COURT: You may be seated.

I'll hear defendant's motion to compel production of documents and for sanctions.

MR. MILLER: Your Honor, to provide some factual background to give context to the various motions before the Court, Ms. Stevenson, through her company, Tuck NT, which she formed prior to her relationship with Neighborhood House Charter School, provided administrative services to the school, including accounts payable, human resources and other similar functions. When the school terminated its contract with Ms. Stevenson's company, she then proceeded to file a number of administrative complaints and lawsuits against the school and its constituents, including this lawsuit. In this lawsuit she claims that she was not an independent contractor as the fact that she operated her own company would suggest, but that she was in fact an employee of the school and that she was a non-exempt employee of the school, and she seeks overtime wages

1 under the Federal Fair Labor Standards Act. The  
2 school--

3 THE COURT: Who did the school hire?

4 MR. MILLER: The school had a contract with  
5 Ms. Stevenson's company, Tuck NT.

6 THE COURT: All right.

7 MR. MILLER: The school maintains in this lawsuit as  
8 it has in various other fora that Ms. Stevenson has filed  
9 charges in, that she was in fact an independent contractor and  
10 the Fair Labor Standards Act did not apply to the services she  
11 provided for the school. The school further contends that even  
12 if she had been an employee, the nature of the services that  
13 she provided were such that she would have been an exempt  
14 employee and not eligible for overtime pay under the statute.  
15 In the course of these proceedings and others, Ms. Stevenson  
16 has filed a number of motions that are dilatory in nature and  
17 serve no purpose other than to harrass and cause undue burden  
18 to a publicly funded charitable charter school.

19 The motion to compel production of documents relates  
20 to Ms. Stevenson's refusal to participate in discovery.  
21 Neighborhood House initially served document requests on  
22 Ms. Stevenson's counsel in November of 2005 when she was  
23 represented in this matter by Attorney John Davis. The parties  
24 agreed to hold discovery in abeyance while they conducted  
25 preliminary settlement negotiations. Eventually, those

1 negotiations broke down. Mr. Davis withdrew and  
2 Judge Woodlock asked us to re-serve our document request on  
3 Ms. Stevenson. We did that. In response, she grouped the  
4 requests that we had issued and essentially gave non-responses  
5 to each of our document requests. She produced a total of four  
6 documents, each of which is almost perfectly irrelevant. She  
7 failed to produce documents that are centrally relevant to her  
8 claims in this matter and that she has admitted to exist.  
9 Primary among these are her tax returns. It is the school's  
10 contention that she was an independent contractor. It is the  
11 school's understanding that she solicited and perhaps performed  
12 similar services for other entities aside from Neighborhood  
13 House Charter School. Ms. Stevenson conceded at deposition  
14 that her tax returns are available to her and she has not  
15 produced them. Similarly, Ms. Stevenson produced after her  
16 engagement or her company's engagement with the school, she  
17 prepared a document that lists the hours she claims to have  
18 worked in performing services for the school. At deposition  
19 she explained that she created that document after her  
20 engagement with the school, her company's engagement with the  
21 school and that it was based on primary documents, journals  
22 that she kept contemporaneous with the services she performed.  
23 She admitted at deposition that those documents are also  
24 available to her and she has not produced them. She has not  
25 produced any documents whatsoever relating to her company,

1 Tuck NT, which she established roughly six months before the  
2 school engaged that company. She has admitted at deposition  
3 that she maintained bank accounts on behalf of this entity and  
4 that they're, and she requested a federal employer  
5 identificaion number on behalf of this entity and she's  
6 produced no documents whatsoever that relate to those matters.  
7 Those are critically important to defendant's defenses in this  
8 matter because we believe those documents will reflect that the  
9 nature of Ms. Stevenson's employment, the nature of the  
10 services that she performed for this school and other entities  
11 was that of an independent contractor. Similarly, she has  
12 given no substantial basis for her refusal to produce documents  
13 or to participate in her deposition, which is subject to  
14 another motion that's before this Court.

15 She has articulated certain concerns about privacy  
16 and she has claimed that we have overstepped our bounds and  
17 engaged in all sorts of unethical and scandalous behavior.  
18 There's absolutely no basis for that whatsoever. She's accused  
19 us of race discrimination. She's accused us of lying to the  
20 court, and we can demonstrate that in fact ever representaiton  
21 we've made to the Court was entirely true and it's not pattern  
22 of behavior that has caused us to request sanctions not only on  
23 our motion to compel production of documents, but also in  
24 conjunction with the motion we filed that relates to Ms.  
25 Stevenson's behavior at deposition and the other motions that

1 she's filed in this matter including a completely frivolous  
2 motion for Rule 11 sanctions against the school essentially for  
3 mounting a defense in this case.

4 THE COURT: I'll hear you on your--

5 MS. STEVENSON: Well, Your Honor--

6 THE COURT: --opposition to the motion.

7 MS. STEVENSON: I'm sorry, say that again?

8 THE COURT: I'll hear you on your opposition to the  
9 motion.

10 THE CLERK: Will you please stand.

11 MS. STEVENSON: Stand up?

12 THE CLERK: Please.

13 MS. STEVENSON: Your Honor, my opposition to the  
14 defendant's motions for sanctions or in the alternative to  
15 compel discovery is - when I went to work for Neighborhood  
16 House Charter School back in 2004, I went to work there as a  
17 temporary employee for another agency. During that period of  
18 time, the head hired a new dean of administration, Jack Shoushy  
19 (ph), and in my communications and observations of Dean  
20 Shoushy, it was adamant that the school was not going to pay  
21 overtime. I have submitted several, I have submitted  
22 documentation from another employee where the school is forcing  
23 him to work overtime but not paying him. When I went there as  
24 a temporary employee for another agency, I immediately started  
25 to work for the deputy director, Mary Lee, and there was a lot

1 of overtime, and so they were subject - because I did not  
2 work for them, they had to pay overtime against my wages  
3 through Ace employment.

4 At the end of, around August, I went there in May,  
5 May 2004, August 2004, the dean, and they was paying this  
6 company \$18.95 an hour for my services. Dean--

7 THE COURT: What was the name of the company?

8 MR. STEVENSON: Ace Employment.

9 THE COURT: That's not the company you work for, the  
10 defendant contracted with?

11 MS. STEVENSON: Yes. When I first got there, yes.

12 THE COURT: And is that the, is that your company?

13 MS. STEVENON: No, ma'am, that was not my company.

14 THE COURT: Is that what the defendant is asserting  
15 is the plaintiff's company?

16 MR. MILLER: No, Your Honor.

17 THE COURT: Okay. I'll hear you on this. Continue.

18 MS. STEVENSON: Okay. In August 2004, I was there,  
19 and I'm trying to remember, and the dean and I spoke and he was  
20 saying, you know, I could work independently.

21 THE COURT: So right now, we're on the motion to  
22 compel--

23 MS. STEVENSON: Yes, ma'am.

24 THE COURT: --production--

25 MS. STEVENSON: Yes, ma'am.

1 THE COURT: --documents and sanctions.

2 MS. STEVENSON: Yes, ma'am. I'll give you some  
3 context.

4 THE COURT: Just let me finish my statement. The  
5 defendant has stated that you will not produce documents  
6 regarding a, your tax returns and documents regarding the  
7 company that it contracted with which provided your services,  
8 which was your company. Are you saying that was not who the  
9 defendant contracted with?

10 MS. STEVENSON: No, ma'am. We did not have a formal  
11 agreement, and I told him in discovery, I have no formal papers  
12 on this company. It was name that had--

13 THE COURT: Just a moment. Was that your company  
14 that the defendant is talking about?

15 MS. STEVENSON: The Tuck NT?

16 THE COURT: Yes. That's the company, is that  
17 correct?

18 MR. MILLER: Yes, Your Honor.

19 THE COURT: Now, the defendant has said that it wants  
20 you to produce documents regarding that company because you are  
21 are who actually was that company; is that correct?

22 MR. MILLER: She was the only employee of the  
23 company.

24 THE COURT: And that's who the defendant had an  
25 agreement with and that the defendant can show it had an

1 agreement for your consulting or you employment with that  
2 company. The plaintiff is saying, I mean, the defendant is  
3 saying it can show, it can prove that.

4 MS. STEVENSON: There was no written agreement.

5 THE COURT: There's no written agreement?

6 MS. STEVENSON: In accordance--

7 THE COURT: Just one moment.

8 MR. MILLER: It was an oral agreement, Your Honor,  
9 and our motion is directed at other documents that may be  
10 related to the formation of the company or any other--

11 THE COURT: So you're saying there was an oral  
12 agreement?

13 MR. MILLER: That's stipulated.

14 THE COURT: The plaintiff is saying there was no oral  
15 agreement, and what does plaintiff show that would say to the  
16 Court there was an agreement with someone else and not your  
17 company?

18 MS. STEVENSON: I don't understand your question.

19 THE COURT: You're saying, you're saying--

20 MS. STEVENSON: See--

21 THE COURT: No, if you don't understand then let me  
22 explain. You're saying that it was not your company.

23 MS. STEVENSON: No, I'm saying we didn't have a  
24 written agreemeent and that the agreement--

25 THE COURT: Right. But they, but you may not have



1 had a written agreement, you may have only had an oral  
2 agreement and the defendant is saying but that oral agreement  
3 was with you and, what's the acronym for the company?

4 MR. MILLER: Tuck NT, Your Honor. Tuck NT.

5 THE COURT: Tuck NT? That's who the agreement was  
6 with, Tuck NT and you were Tuck NT. That's who the defendant  
7 is saying that they agreed to employ.

8 MS. STEVENSON: Well, Your Honor--

9 THE COURT: And do you say yes or no?

10 MS. STEVENSON: I am saying that is not the way it  
11 transpired on campus between the dean and I.

12 THE COURT: But, okay, but this is--

13 MS. STEVENSON: So this is where he--

14 THE COURT: This - see you're getting ahead of  
15 yourself. Defendant is saying that Tuck NT is you.

16 MS. STEVENSON: Yeah, that's the name that was used  
17 on the pay documents.

18 THE COURT: Right. Okay. And it is saying you  
19 won't, and this is the only issue, you won't produce any  
20 documents relating to that company and you, tax returns,  
21 information regarding that company, you won't produce.

22 MS. STEVENSON: There are none, and I told him that.  
23 There are none. There was nothing filed and--

24 THE COURT: Do you have any tax returns?

25 MS. STEVENSON: Not in Tuck NT.

1 THE COURT: Do you have personal tax returns?

2 MS. STEVENSON: I have personal tax returns for me  
3 but nothing that points out Tuck NT.

4 THE COURT: Okay.

5 MS. STEVENSON: I have no letters, no papers of  
6 formation or incorporation and we've gone over this. I don't  
7 have that paperwork. If whatever he's looking for--

8 THE COURT: Okay. Then let's start with that.  
9 Plaintiff has said she has no documents that relate to the  
10 formation or otherwise actions or otherwise of this company,  
11 Tuck NT.

12 MR. MILLER: Your Honor--

13 THE COURT: It is now on the record. What do you  
14 respond.

15 MR. MILLER: She has also on the record at deposition  
16 admitted that her tax returns are available to her. The income  
17 that--

18 THE COURT: Tax returns she does have.

19 MR. MILLER: Her personal tax returns--

20 THE COURT: Her own, right.

21 MR. MILLER: --which she apparently reported the  
22 revenue she received from--

23 THE COURT: Right, I know. We've heard her.

24 MR. MILLER: Yes, Your Honor.

25 THE COURT: So, with respect to the company, she says

1 she has no documents.

2 MR. MILLER: She also said at deposition, Your Honor,  
3 that she maintained business banking accounts.

4 THE COURT: But she's now saying to the Court I have  
5 no documents. Do you understand what that means?

6 MR. MILLER: Yes, Your Honor.

7 THE COURT: And do you understand what that means?  
8 That means, that means that if you say as you have just said  
9 you have no documents, then as of this date, you cannot use any  
10 documents related to that company on your behalf in the future  
11 if they emerge because you have just said I don't have them.  
12 So you understand that?

13 MS. STEVENSON: Okay. In terms of incorporation  
14 papers?

15 THE COURT: Right.

16 MS. STEVENSON: And that's what you wanted,  
17 incorporation--

18 THE COURT: Anything, anything related to that,  
19 anything that he has requested, that you've seen requested as  
20 the defendnat did--

21 MS. STEVENSON: Yeah. Because I think he--

22 THE COURT: You've got to provide those documents.  
23 If you don't provide those documents, let this Court state for  
24 you now, you can't use them against them later. You will not.  
25 You have to provide every document they have asked for in the

1 request for production of documents period.

2 MS. STEVENSON: Okay. From my understanding from  
3 their request in regard to Tuck NT, when I told them I did not  
4 have those documents, that's my understanding from what he  
5 asked and from what I understand he's asking for, I don't have  
6 them. There was nothing elaborate about--

7 THE COURT: You can't, don't come back later and say  
8 you've got them because you can't use them.

9 MS. STEVENSON: Well, I don't have them.

10 THE COURT: Okay, fine.

11 MS. STEVENSON: Okay.

12 THE COURT: Did you hear her, did you hear her say  
13 it?

14 MR. MILLER: I did, Your Honor.

15 THE COURT: Okay.

16 MS. STEVENSON: Okay. Because all we have her is  
17 what he's--

18 THE COURT: Tax returns?

19 MS. STEVENSON: No, these aren't, these aren't tax  
20 returns.

21 THE COURT: No, tax returns. Your personal tax  
22 returns?

23 MS. STEVENSON: Yeah.

24 THE COURT: They can get them.

25 MS. STEVENSON: No, no, no, no. I said the only

1 thing he has in regard to, is, is, that company is invoices  
2 or time sheets. Is that what you talking about because he has  
3 those.

4 THE COURT: You can read what he wants. You know  
5 what he wants.

6 MS. STEVENSON: But I told him I don't have them.

7 THE COURT: You're a very intelligent person. You  
8 can see what he wants by what he asks for, and you give him  
9 every document that he has asked for, every document that he  
10 has asked for, period. There's no issue here. There's no  
11 issue in this case.

12 MS. STEVENSON: I just want to make sure you're not  
13 wiping out documents they already have.

14 THE COURT: Oh, documents they already have they  
15 don't need to have again. Any other documents--

16 MS. STEVENSON: I don't have anything what--

17 THE COURT: You don't have anything else, that's  
18 fine.

19 MS. STEVENSON: I don't have any tax returns that say  
20 Tuck NT on them.

21 THE COURT: If you have personal tax returns--

22 MS. STEVENSON: I have personal?

23 THE COURT: --you produce them, period.

24 Now, let's move on to the next issue. You have no  
25 documents with Tuck NT but you have personal tax returns,

1 produce them.

2 MS. STEVENSON: But they had no--

3 THE COURT: They're correct.

4 MS. STEVENSON: --they don't show Tuck NT.

5 THE COURT: It doesn't matter. Those personal tax  
6 returns will show your income in other matters that are  
7 discoverable, that the defendant is entitled to. So that is  
8 this Court's rule.

9 Now, let's go onto the next motion. The next motion  
10 is your motion for Rule 11 sanctions. You may be heard on  
11 that. You may be heard on that motion.

12 MS. STEVENSON: Okay, my Rule 11 sanctions. Oh, I  
13 don't have it in front of me here, but basically what my  
14 concern is that the defendant - Rule 11.

15 THE COURT: Argue it. That's why you're here for a  
16 hearing on all of these motions.

17 MS. STEVENSON: Can we skip that and go to the - I'm  
18 trying to recall what Rule 11 is. Would you read it to me?

19 THE COURT: Do you want me to tell you what your  
20 motion said? Okay.

21 MS. STEVENSON: No, no, no. What does Rule 11--

22 THE COURT: No, here is what your motion says. Your  
23 motion is against the defendant claiming that the defense  
24 counsel knowingly lied to the Court in defending their client,  
25 and basically you should know this because you filed it. It

1 says that they lied to the Court in defending their client  
2 because they knew their client willfully violated the law.

3 MS. STEVENSON: Oh, yes. Yes, and I filed some  
4 attachments there with it--

5 THE COURT: Uh-huh.

6 MS. STEVENSON: --because, the attachment will show  
7 that the defendant, my ex-employer had, willingly knew or did  
8 not care and stated openly that they did not care about any  
9 federal laws or state regulations in regard to employees or  
10 compliance, and--

11 THE COURT: Okay. Go on.

12 MS. STEVENSON: --and in that also there are  
13 documents that shows that, and I have some of them here from  
14 the defendant's own files and they're the same files I  
15 received, is that when I was paid, even though they paid me  
16 under the name of Tuck NT, my wages were charged just as other  
17 employees' wages were, and my vacation was accrued just like  
18 other employees' vacation was accrued, and sick time was  
19 allotted and personal days were allotted, and my, my contention  
20 is, you know, they may say independent contractor, but they  
21 treated me and I was an employee. There are two documents I  
22 have here that is a final letter that I got from the dean and  
23 that was the first time I ever knew of any issues in terms of  
24 performance over the last day of my employment, but the day  
25 after that he sent out a letter to the staff. He never

1 mentioned that Janice was an independent contractor and that  
2 her company is no longer with the school. So, you know, the  
3 attorneys say one thing, but they also know from their client's  
4 actions that it could not be true.

5 THE COURT: Thank you. I'll hear from the - you can  
6 be seated. Let me hear from the defendant.

7 MR. MILLER: Your Honor, as reflected in our papers,  
8 we believe that the Rule 11 motion Ms. Stevenson has filed is  
9 utterly without merit and she does, in fact, essentially seek  
10 sanctions against us for defending our client. It is our  
11 contention that she was an independent contractor of the  
12 school. We believe that's supported by the documentary record.  
13 It's also our contention that had she been an employee of the  
14 school, she would have been exempt under the white color  
15 exemptions to the statute. There's nothing asserted in bad  
16 faith. And in fact, it's Ms. Stevenson's motion that's  
17 asserted in the utmost bad faith. The documents that she  
18 referred to that she attached to her motion, she  
19 surreptitiously altered. In submitting to this Court, she  
20 redacted a line from the email that she attached as Exhibit 1,  
21 and the full copy is attached as an exhibit to our opposition  
22 to her motion, in attempts to deceive this Court about the  
23 nature of the conversations that she just referred to, and we  
24 believe that this motion was filed essentially in retaliation  
25 for our efforts to secure discovery from Ms. Stevenson and that



1 it is a plain waste of this Court's time and it's abusive to  
2 the school and it's caused us to expend additional completely  
3 unnecessary resources and deprived the school of funds that  
4 should be devoted to its charitable mission.

5 MS. STEVENSON: Your Honor, may I respond?

6 THE COURT: You may.

7 MS. STEVENSON: Your Honor, there is no one person  
8 who's on the payroll in error and that's what he's saying, and  
9 that email I say was my employer's attitude. You know, we,  
10 this employer routinely classified employees where they would  
11 not receive overtime, just like they did me, but every  
12 mechanism they use in order to scurt the law as the dean said  
13 or to make, or to make it easier for the school to operate with  
14 less money, that's what they did. That email was not redacted.  
15 That is the codified policy of that school. The penalties  
16 aren't that great. The penalties aren't that bad because they  
17 had lawyers. They had Sullivan Worcester who sits on their  
18 board or make them hire a number of lawyers who can defend them  
19 because they know with these lawyers there's not going to be a  
20 lot of penalties that they're going to have to pay or be  
21 assessed against. And, you know, this is, that's common  
22 knowledge to me. So when I have an attorney who can look at  
23 the record, and they're not unexperienced attorneys, but when  
24 you have attorneys who can look at the paperwork under a  
25 federal law such as the FLSA, and then say they did no wrong, I

1 know better than that. I know I personally, I know I  
2 personally sat in the dean's office and we did not, the people  
3 would bring the time sheets up that had overtime on it. He  
4 would send it back to them and say fill out a new one.

5 THE COURT: Ms. Stevenson?

6 MS. STEVENSON: Yes, ma'am.

7 THE COURT: I understand that you're pro se, but  
8 you're motion is totally, totally misplaced. It is not only  
9 misplaced, as counsel says, you're bringing a Rule 11 motion,  
10 and from what the Court gleans from reading what you said, you  
11 clearly must not understand Rule 11 because your motion is not  
12 only misplaced, it is procedurally defective. You didn't give  
13 counsel 21 days notice, which you were supposed to do under  
14 Rule 11, but more than that, you bring this motion because  
15 counsel is representing one thing and you're representing  
16 another. You can't do that. This motion, I mean, you brought  
17 this action against them.

18 MS. STEVENSON: Yes.

19 THE COURT: Rule 11 says, talks about the  
20 frivolousness of an action. You brought the action against -  
21 their defense isn't, if you wanted to say their defense is not  
22 frivolous, but you didn't give them, first and foremost, it was  
23 procedurally defected. Secondly - because you didn't give them  
24 21 days. Do you understand that? You didn't give them 21  
25 days.

1 MS. STEVENSON: But, Your Honor--

2 THE COURT: No, you didn't give them 21 days. You  
3 didn't.

4 MS. STEVENSON: But, Your Honor, when they--

5 THE COURT: If you wanted to bring a Rule 11, you had  
6 to do that and you didn't do it.

7 MS. STEVENSON: But, Your--

8 THE COURT: But number two, number two, it's totally  
9 misplaced.

10 MS. STEVENSON; But, Your Honor, I think Rule 11 says  
11 if there's, like they're making a false statement.

12 THE COURT: Wrong, denied.

13 Motion for terminating sanctions or in the  
14 alternative to compel deposition testimony. Let me hear from  
15 defendant.

16 MR. MILLER: Your Honor, that motion, as I mentioned  
17 earlier, relates to Ms. Stevenson's utter and stubborn refusal  
18 to participate in her depsoition which we believe is her  
19 culmination of her refusal to participate in this case and  
20 warrants the dismissal of this action along with her other  
21 frivolous filings. In addition to flatly refusing to answer  
22 simply background questions, icnluding questinos about her  
23 residential address, she, for example, told me she didn't know  
24 whether she had a home. She didn't know where she had slept  
25 the night before. She didn't know how she had gotten to my

1 office. She refused to tell me where she went to high  
2 school because she said she didn't want me investigating her  
3 background. That's the beginning of it, and I thinkt he first  
4 25--

5 THE COURT: Well, where she went to high school, what  
6 does that have to do with it?

7 MR. MILLER: Well, her education is relevant to her--

8 THE COURT: I mean, that's one question. If you're  
9 going to talk about some depsoition questions, let's talk about  
10 some serious deposition quesitons.

11 MR. MILLER: You're right, Your Honor. That's just  
12 one example. The ones that are the most serious for purposes  
13 of this case relate to the services that she performed for the  
14 school and where and how she performed them. She refused to  
15 tell me whether or not she owned a computer during the period  
16 of time her company was engaged by Neighborhood House Charter  
17 School. She refused to tell me whether or not she had internet  
18 access in her residence at that time. She refuses to tell me  
19 whether she had performed work for the school from her home,  
20 all of which is relevant to her indpendent contractor status  
21 and to the hours she claims to have worked for the school.

22 In addition, she completley refused to look at  
23 documents that I placed before her as exhiibts to her  
24 depsoition. She refused even to set eyes on them and cut off  
25 entire lines of questionning that related to, among other

1 things, her attendance at law school, which is centrally  
2 relevant to this case because she was providing legal  
3 compliance advice to the school among other things, and she  
4 simply refused to participate. She asserted completely  
5 inapplicable constitutional privileges, which I explained the  
6 school's position that those had no bearing. She claimed that  
7 the information that we were seeking was irrelevant. I went so  
8 far because of her pro se status as to mark a copy of Rule 30  
9 and talk her through the appropriate scope of an objection and  
10 the fact that testimony is taken at deposition subject to the  
11 objections and she could not refuse to testify based on  
12 relevance. And she persisted and she cut off entire areas of  
13 discovery that are centrally relevant to this case, again,  
14 causing the school to expend thousands and thousands of dollars  
15 in resources and utterly blocking us from mounting an effective  
16 defense in this matter. It's not even such that we can ask the  
17 Court to give us the inference that might be had based on her  
18 assertion of inapplicable privileges because we can't even get  
19 at the underlying basic information about for example her  
20 educational history, the tools she used to do the services  
21 that she performed for the school and such. The cases that are  
22 cited in our motion establish that it is well within #3:43:05  
23 of the Court to dismiss the plaintiff's claim for misconduct  
24 that is much less serious, and to dismiss the claim of a pro se  
25 plaintiff in similar circumstances. And we would certainly ask

1 that if the Court is disinclined, notwithstanding the  
2 Stevenson's long pattern of misconduct in this case, the Court  
3 is disinclined to dismiss the claim that she be ordered to pay  
4 substantial monetary sanctions to the school because as I've  
5 mentioned a couple of times, she's caused unbelievable  
6 distraction and expense to a public resource, and the only way  
7 that she will be deterred from continuing this pattern, which  
8 has gone on not only in this court but in the bankruptcy court  
9 and in seven administrative agencies, is if she is forced to be  
10 accountable for her actions and the expense that she's causing  
11 the school.

12 THE COURT: Questions on the deposition,  
13 Ms. Stevenson, you know you are to answer questions on a  
14 deposition. You may make an objection but you answer the  
15 question, you make an objection and then you bring those  
16 objections to the Court at the appropriate time, but not, you  
17 can't refuse to answer question at a deposition.

18 MS. STEVENSON: Well, Your Honor, the case in - well,  
19 this is an overtime payment case, and my, when I went to the  
20 deposition, I thought they wanted to get to the heart of the  
21 deposition, and as I told him, when I went to work for my  
22 ex-employer, you know, there was no background check. There  
23 was no, or address verification check, but they didn't care  
24 where, they didn't ask well, where do you live? Do you have  
25 the necessary tools to do overtime? And that is what I told

1 him. I says, if I went up to Lasser University and used  
2 their computer room to finish my work, or I went over to the  
3 women's center in Cambridge, or I used another public access  
4 computer, Neighborhouse didn't care. They didn't question it.  
5 I did it when it was, if I had some work to do and I took it  
6 home--

7 THE COURT: But those questions, those kinds of  
8 questions merit and warrant an answer. Well, I went to such  
9 and such and I used their, this is where I got--

10 MS. STEVENSON: I told him that, but when he, when he  
11 wanted to know - I told him this, wherever, if I worked off  
12 site or I worked over, if I worked off site or after hours, I  
13 was saying that when I came back Monday the work was done and  
14 no one--

15 THE COURT: But if he said, well, what did you do,  
16 you can answer that question.

17 MS. STEVENSON: I did. I told him if I did payroll  
18 because I was--

19 THE COURT: give me an example of what she didn't  
20 answer?

21 MR. MILLER: Your Honor, in that vain, she refused to  
22 tell me whether she had access for example to payroll  
23 information from her residence. Essentially questions that are  
24 targeted at the resources she aintained at her home to provide  
25 sservices like the services shed provide ffor the school, and



1 that is directly relevant--

2 THE COURT: You're supposed to answer that question.

3 MS. STEVENSON: No, ma'am. It's broad based--

4 THE COURT: Did you just tell me no?

5 MS. STEVENSON: Yes, ma'am. Yes, ma'am. I told him,

6 he says did you access from home? It's a web based program.

7 You can access it from anywhere in the world. I can go up to,

8 if I had access right now, we could access--

9 THE COURT: Did you tell him what the web based  
10 system was?

11 MS. STEVENSON: I assume he knew?

12 THE COURT: No, don't assume anything. Don't assume  
13 anything. When, from now on, you go back to that deposition  
14 and when the defendnat asks you the question, you answer it.  
15 You don't assume anything. You answer, you answer the  
16 question.

17 MS. STEVENSON: Well, let me ask you this, Your  
18 Honor--

19 THE COURT: No, we don't need to, we don't need to be  
20 asking the court question. You need to - let me tell you,  
21 Ms. Stevenson, in reading this and in reading the papers in  
22 this case, the district judge didn't dismiss this case at this  
23 point, and there will be a point when you can file, I  
24 understand you tried to mediate it and didn't, that's too bad,  
25 because this, from what this Court has seen, you have used



1 dilatory tactics, you have refused to give information, you  
2 have clearly submitted frivolous motions, and your behavior,  
3 while the Court always should give a pro se plaintiff some  
4 leeway and some room, you've had a house. You had a house.  
5 You have tried in every instance that the defendant has asked  
6 for information, you haven't given it to them because you, as  
7 you said, I assume they knew. I don't like this question. I  
8 don't think they ought to have this. Yes, they should. Once you  
9 have decided this case is going forward, as you have, then you  
10 object, you can sit at the deposition, you can say, I don't like  
11 this question, high school, I don't like this question, I  
12 object, but I'll answer it. I object. You can object as much  
13 as you please, but you must answer the question. That's the  
14 rule. You must answer the question, and if you do that, this  
15 case will move faster. If you provide the information that you  
16 haven't provided, it will move faster, because you must  
17 understand that if you refuse to give information that the  
18 plaintiff (sic) asks for, then you can't later on come back and  
19 say, well I have this document, which is the document they  
20 requested. You can't use it because you didn't give it to them  
21 when they asked for it.

22           So I will issue an order and I will write everything  
23 out so you'll understand, and you need to within 14 days of  
24 today, so that we won't have any question about when you need  
25 to give information, testimony or documents, you have 14 days

1 from today to provide any documents you haven't produced,  
2 you have 14 days from today to answer any interrogatory  
3 questions, and the Court is going to take the issue of  
4 sanctions under advisement. I'll issue an opinion on sanctions  
5 in this case, but that's the, that's where the Court, where the  
6 Court is on this. Your motion, for example, to compel payment  
7 of vacation wages is ultimately your dispositive motion. It's  
8 like a motion for summary judgment. It isn't a discovery  
9 motion.

10 MS. STEVENSON: But no it's not a discovery motion at  
11 all.

12 THE COURT: No, but you presented it. It's not so -  
13 the Court won't even, won't even, we won't even deal with that  
14 because it's not a discovery motion. It is a--

15 MS. STEVENSON: It wasn't intended to be a discovery  
16 motion.

17 THE COURT: --dispositive motion, but in terms of--

18 MS. STEVENSON: What do you mean dispositive?

19 THE COURT: --in terms of - the Court is not dealing  
20 with it because that's treated as a motion for summary  
21 judgment.

22 MS. STEVENSON: oh.

23 THE COURT: That's what dispositive means. But in  
24 terms of the other motions in this case, production of  
25 documents, which the Court allows, the motion for Rule 11

1 sanctions, which the Court denies, and deposition testimony,  
2 which you will answer, so the Court allows. Do you have a date  
3 for your deposition scheduled?

4 MR. MILLER: I don't, Your Honor. What I would  
5 propose is if she's going to have 14 days to produce documents  
6 that we be given a reasonable period of time thereafter to  
7 prepare.

8 THE COURT: You need to do that today. You need to  
9 do that while we're in here. You need to figure out a day--

10 MR. MILLER: You want to schedule the deposition?

11 THE COURT: --when you can do this, continue this  
12 deposition.

13 MS. STEVENSON: If he can put these in writing and I  
14 can just fill in the blanks and send them back to him.

15 THE COURT: No, he's taking a deposition. He has  
16 every right to do that. No.

17 MS. STEVENSON: Oh, oh, the questions I didn't  
18 answer?

19 THE COURT: Right.

20 MS. STEVENSON: Well, let me ask you this, he also  
21 wants me to produce documents from the other attorney and, but  
22 it's the same defendant. It's the defendant's papers. We have  
23 been in several administrative proceedings together and you had  
24 one set of attorneys filing papers and from those proceedings I  
25 go and I'd get to file--

1 THE COURT: Well, you get any documents you might  
2 have given someone else?

3 MS. STEVENSON: No. They're all from this Sullivan  
4 and Worcester.

5 THE COURT: Did you give them any documents?

6 MS. STEVENSON: I didn't give them anything. It's  
7 information, # date and I asked for information and they got it  
8 from them and I use it in my proceedings but we have, this is  
9 their paperwork. He says they don't talk to each other, but he  
10 wants me to produce.

11 THE COURT: No, they don't.

12 MR. MILLER: Your Honor--

13 MS. STEVENSON: And I don't think that's right.

14 MR. MILLER: --I think the point of confusion is  
15 this, Ms. Stevenson has commenced a number of administrative  
16 proceedings against the school, roughly seven, in addition to a  
17 lawsuit and she's attempted to implead us in her bankruptcy. I  
18 asked her at depsoition to produce documents that she had filed  
19 with various courts and adminsitrativie agencies--

20 THE COURT: Right.

21 MR. MILLER: --and she, because Sullivan and  
22 Worcester was party to some of those, didn't want to produce  
23 them again, but in fact, many of the documents that she's  
24 submitted, she submitted ex parte, and we don't even know what  
25 she submitted, so we just asked--

1 THE COURT: If she, have I made this clear, this  
2 case will stand or fall as Ms. Stevenson needs to know today on  
3 her keeping information from you that she has in her  
4 possession, custody or control. If, for example, she provided  
5 documents and then doesn't give them or says I didn't and did  
6 or says later here I found them, no, not admissible against  
7 you.

8 MR. MILLER: Our concern, Your Honor, is that the  
9 burden of proof is ours on the administrative exemption.

10 THE COURT: Well, counsel, I'm sure you know better  
11 than anyone needs to tell you how to defend a case.

12 MR. MILLER: Certainly, Your Honor.

13 THE COURT: Okay.

14 MR. MILLER: But much of the information--

15 THE COURT: And I understand that this case has been  
16 very difficult, but Ms. Stevenson can't win a case either if  
17 she can't, she has the burden of proving this case, so let's  
18 not get, let's not let this thing have everybody upsidedown. I  
19 will write an order. I will take the issue of sanctions,  
20 because this Court considers sanctions in this case to be  
21 really serious, to be really serious. There's gamesmanship  
22 going on here. Not legal gamesmanship. There's games going on  
23 in this case. I can see it and the Court will talk about it.

24 MS. STEVENSON: Your Honor, may I also say something  
25 else?

1 THE COURT: About what?

2 MS. STEVENSON: Discovery.

3 THE COURT: No, you are to produce whatever it is  
4 that the defendant asked for, period, period.

5 MS. STEVENSON: Ma'am, but if we were--

6 THE COURT: Period.

7 MS. STEVENSON: --parties in the same administrative  
8 proceedings, why is it on me to give him the same, the  
9 documents we were in there together.

10 THE COURT: That's what happens when you have, when  
11 you have a case.

12 MS. STEVENSON: But we were there together.

13 THE COURT: That's what happens.

14 MS. STEVENSON: It's their documents.

15 THE COURT: That's what happens. They're not asking  
16 for their documents. They're asking for documents that you had  
17 produced, period. They're not asking for their own documents.  
18 They are asking for documents you produced. As the Court has  
19 just indicated, the Court will take the matter under, the  
20 matter for sanctions under advisement. The Court has issued  
21 with respect to the defendant's motion to amend, the Court will  
22 allow the motion to amend this case, given the mediation  
23 sessions and given all of the rulings, and so the Court will  
24 amend the scheduling order. Defendant should submit an amended  
25 order.

1           What the Court, however, does want to do before we  
2       leave here is to have a date for the depositions.

3           MR. MILLER: And Your Honor said that Ms. Stevenson  
4       is to produce documents with 14 days?

5           THE COURT: 14 days.

6           MR. MILLER: Today being the 6<sup>th</sup>--

7           MS. STEVENSON: And that's just the tax documents,  
8       right?

9           THE COURT: Please be seated everyone. All the  
10       information that the defendant has requested that you haven't  
11       produced.

12           MS. STEVENSON: Well, Your Honor, this is what I'm  
13       trying to tell you, when I went back to get some documents they  
14       wanted--

15           THE COURT: Please be seated.

16           MS. STEVENSON: --the #3:56:11 gave me some  
17       documents they say aren't admissible. I can't present these  
18       to--

19           THE COURT: No, you can present whatever the  
20       defendant has asked for, period, period. Now, when are we  
21       going to do this deposition?

22           MR. MILLER: I would propose December 8<sup>th</sup>, Your Honor.

23           THE COURT: December 8<sup>th</sup>, Ms. Stevenson?

24           MS. STEVENSON: I don't know. I don't have a  
25       calendar.



1 THE COURT: Well, let me say then right now,  
2 December 8<sup>th</sup>. That is when your deposition will be taken--

3 MS. STEVENSON: No.

4 THE COURT: --which is Friday, December 8<sup>th</sup>.

5 MS. STEVENSON: No, we have bankruptcy that day,  
6 don't we? No it's a Thursday. Not it's the 14<sup>th</sup>, I believe.

7 THE COURT: Okay. So it's December 8<sup>th</sup>. Okay.

8 THE CLERK: Court is adjourned.

9 (Court adjourned)

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**Miller, Barry**

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**From:** Stevenson, Janice W. [janicestevensonus@gmail.com]  
**Sent:** Wednesday, November 08, 2006 10:56 PM  
**To:** Miller, Barry  
**Subject:** RE: Stevenson v. NHCS

I don't understand your email. Can you rephrase your statement? Did you get my email?

---

**From:** Miller, Barry [mailto:BMiller@seyfarth.com]  
**Sent:** Wednesday, November 08, 2006 3:13 PM  
**To:** Stevenson Janice  
**Cc:** Kappelman, Lynn  
**Subject:** RE: Stevenson v. NHCS

Ms. Stevenson,

Your suggestion that you cannot appear at our Boston offices for your deposition is implausible. As an initial matter, you have twice appeared at our offices for previous sessions of your deposition, and you testified that you took public transportation to the World Trade Center T station that is directly across the street from our offices to do so. We also refer you to Local Rule 30.1, which states that any location in the City of Boston is deemed as a matter of law to be a convenient place for the taking of a deposition for any person who resides in the counties of Suffolk, Bristol, Essex, Middlesex, Norfolk, Plymouth or Worcester. Though you have improperly refused in prior sessions of your deposition to tell us where you reside, it is clear from your testimony and from the many judicial and administrative proceedings that we have known you to attend that you spend a significant amount of time in Cambridge and Boston, both of which are well within the territory described by the applicable Rule. We will not incur the expense or inconvenience of securing an alternative space within the City of Boston in which to take your deposition, and we will expect you to appear at our offices at or before 10:00 am on December 20, 2006.

Your most recent set of document requests is also wholly inappropriate. Despite your captioning it as your second set of document requests, it is in fact the fourth set of requests you have served on the School. You served three (3) separate sets of requests on NHCS by e-mail on June 22, 2006, to which we responded on July 24, 2006. We notified you both by correspondence dated June 26, 2006 and in our substantive responses to your first three sets of requests that you had exceeded the number of document requests allowed by Local Rule 26.1 (C). Your continuing to serve discovery requests without leave of court is in further derogation of that Rule. We, therefore, request that you withdraw your most recent set of document requests immediately, and we reserve the right to seek a protective order and sanctions from the Court if you have not done so prior to the close of business on Wednesday, November 15.

The representations in your message below about documents to which you claim to be entitled by statute are also entirely specious. As you know, it is (and consistently has been) NHCS's position that you were never an employee of the School for purposes of state or federal wage and hour law. The record keeping provisions of the Fair Labor Standards Act and the provisions of Mass. Gen. Laws ch. 149, § 52C have no application to independent contractors. The gravamen of the case you have initiated against the School is a dispute regarding your status as a putative employee, rather than an independent contractor. As we have informed you many times to impute additional statutory obligations to NHCS.

, you cannot rely on your assumption that you may ultimately prevail on the merits of this case. In light of the foregoing considerations, we are concerned that you have missed the central point of Magistrate Judge Alexander's Order of November 8. Your message below constitutes exactly the sort of behavior that the Court has clearly stated it will no longer tolerate. If you persist with these tactics, we will be forced to file a motion for further relief with the Court.

Regards,

Barry J. Miller

11/20/2006

Seyfarth Shaw LLP  
Two Seaport Lane, Suite 300  
Boston, MA 02210  
office phone: (617) 946-4800  
direct phone: (617) 946-4806  
office fax: (617) 946-4801  
direct fax: (617) 790-6753

-----Original Message-----

**From:** Stevenson, Janice W. [mailto:janicestevensonus@gmail.com]  
**Sent:** Wednesday, November 08, 2006 1:16 PM  
**To:** Miller, Barry  
**Subject:** RE: Stevenson v. NHCS

Mr. Miller:

The order states:

**Plaintiff's deposition will continue on**

**December 20, 2006 at a time and place to be agreed to by the parties.**

Because of my limited financial resources, we need to agree to a location that is more accessible by me or I can walk to. A possible location could be near Dudley station (Roxbury), China Town, or downtown crossing.

In addition,

- 1) Should Plaintiff wish to submit further discovery motions, Plaintiff must first discuss the merits and necessity of such motion with defense counsel and attempt to come to a resolution before filing said motion.**

As you are aware, the School, my previous employer, has a statutory duty to maintain time records and employee records.

Since these records are mandatory under FLSA and essential to my claim, I am submitting further request for production of the School's documents. In addition the School received a request for document production from John Davis, my previous attorney over a year ago on or around August 2005. Please forward me my personnel records ASAP.

There are Recordkeeping Requirements Under the Fair Labor Standards Act (FLSA). The FLSA's recordkeeping Regulations are in 29 CFR Part 516.

What About Timekeeping?: Employers may use any timekeeping method they choose. For

example, they may use a time clock, have a timekeeper keep track of employee's work hours, or tell their workers to write their own times on the records. Any timekeeping plan is acceptable as long as it is complete and accurate.

The following is a sample timekeeping format employers may follow but are not required to do so:

DAY	DATE	IN	OUT	TOTAL HOURS
<hr/>				
Employee Name:		<hr/>		
Sunday	5/2/93	-----		
Monday	5/3/93	8:00	12:02	
		1:00	5:03	8
Tuesday	5/4/93	7:57	11:58	
		1:00	5:00	8
Wednesday	5/5/93	8:02	12:10	
		1:06	5:05	8
Thursday	5/6/93	-----		
Friday	5/7/93	-----		
Saturday	5/8/93	-----		
<hr/>				
Total Workweek Hours				24

**How Long Should Records Be Retained:** Each employer shall preserve for at least three years payroll records, collective bargaining agreements, sales and purchase records. Records on which wage computations are based should be retained for two years, i.e., time cards and piece work tickets, wage rate tables, work and time schedules, and records of additions to or deductions from wages. These records must be open for inspection by the Division's representatives, who may ask the employer to make extensions, computations, or transcriptions. The records may be kept at the place of employment or in a central records office.

-----Original Message-----

From: Miller, Barry [mailto:BMiller@seyfarth.com]  
 Sent: Tuesday, November 07, 2006 4:12 PM  
 To: Stevenson, Janice W.  
 Subject: Stevenson v. NHCS

Ms. Stevenson,

As discussed in my e-mail to you of earlier this afternoon, attached is a notice of your deposition for December 20 at our offices. You may disregard the notice issued for December 8.

Regards,

Barry J. Miller  
Seyfarth Shaw LLP  
Two Seaport Lane, Suite 300  
Boston, MA 02210  
office phone: (617) 946-4800  
direct phone: (617) 946-4806  
office fax: (617) 946-4801  
direct fax: (617) 790-6753

<<Dec20depo.pdf>>

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Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you.

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Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you.

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

In re: JANICE STEVENSON  
SSN: XXX-XX-7512

Debtor,

Chapter 13

Case No. 03-12304-JNF

**MOTION AND MEMORANDUM IN SUPPORT TO QUASH SUBPOENA**

**NOW** comes Janice W. Stevenson ("Debtor") and respectfully requests that this

Court quash the subpoenas [**Attachment I**] purportedly served upon Wainwright Bank by Neighborhood House Charter School's ("Employer" or "NHCS") on November 08, 2006, or in the alternative declare that no valid subpoena has properly been served upon the Debtor. Debtor also states that NHCS has violated this Court's automatic stay against Debtor's bankruptcy assets and issued subpoenas. Debtor requests this Honorable Court to quash employer's subpoena and in support thereof states:

The bankruptcy court had jurisdiction via 28 U.S.C. §§ 1334 and 157(b) (1). The purpose of the automatic stay is to protect Debtors and their estate. The Employer has violated the automatic stay of the Debtor's bankruptcy. The Employer has issued a subpoena against assets of the Debtor's bankruptcy estate.

The automatic stay provision of the Bankruptcy Code is found in 11 U.S.C. 362(a), which provides in relevant part:

*[A] petition filed under [the Bankruptcy Code] operates as a stay, applicable to all entities, of ...*

*3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate . . . .*

NOV13'06 PM12:30 USB

The Employer continues to retaliate against the Debtor for disclosure of and filing of an unpaid overtime wage claim. The subpoena the Employer has sent to Wainwright Bank violates the automatic stay provision, anti-discrimination provision of the Bankruptcy Code, and the anti-retaliation of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.

#### **BACKGROUND – FLSA Burden of Proof**

The Employer owes the Debtor unpaid wages. The Employer is aware Debtor has filed and is currently in bankruptcy. Yet the Employer has issued a subpoena that violates the automatic stay and Section 525.

The production of plaintiffs' bank statement is clearly not relevant in determining liability for unpaid wages for the reason that it is the duty of the Employer, not the employee, to report earned wages to the federal Wage and Hour Division. 29 U.S.C 211(c). Further, by operation of 29 C.F.R 516.2, all records of employment must be maintained and preserved by the Employer. Accordingly, the amount of wages earned by plaintiffs as reported to the appropriate federal agencies, including the Social Security Administration, would have been reported by defendant, not the plaintiff. Because this information is known to The School and within their possession, the subpoena is irrelevant to the purpose ordered.

The issue underlying all counts of the complaint was "the fact that the plaintiff worked and did not receive wages for work that has already been performed. Debtor argues bank accounts are not relevant in determining the amount of unpaid wages for work already performed.

---



**THEREFORE**, Debtor prays this Honorable Court will quash NHCS' subpoena.

DATED: November 10, 2006

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Janice W. Stevenson".

Janice W. Stevenson  
P.O. Box 400372  
Cambridge, MA 02140  
617-721-2638 - ph

NOV 13 '06 PM 12:30 USB

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

In re: JANICE STEVENSON  
SSN: XXX-XX-7512

Debtor,

)  
) Chapter 13  
)

) Case No. 03-12304-JNF  
)

**ORDER TO APPEAR AND SHOW CAUSE FOR VIOLATION OF  
AUTOMATIC STAY AND CONTINUED VIOLATION OF SECTION 525**

**COMES NOW** the debtor, Janice Stevenson, and move the Court as follows:

1. On January 17, 2003, the above-captioned debtor (the "Debtor") filed a petition for relief under Chapter 13 of the United States Bankruptcy Code.
2. This Court entered an Order confirming the Debtor's plan on March 1, 2003.
3. Neighborhood House Charter School is a previous employer, who is also a party in a civil case pending in federal district court with the Debtor.
4. The employer is aware of the filing of this case and the effect of the automatic stay order.
5. On November 8, 2006, NHCS issued a subpoena on the debtors' bank account. This action was in violation of the automatic stay.
6. Debtor request that the court issue an order to NHCS to show cause, as to why it should not be tried and punished for contempt of court in violating the automatic stay order entered in this case. Debtors further request an order to quash the subpoena which was issued by NHCS, that the court impose an appropriate fine against NHCS which the debtors suggest should be in the amount of \$11,250.00.

**BACKGROUND - Section 362**

"Section 362 of the Bankruptcy Code provides that filing a bankruptcy petition operates as an automatic stay of 'the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the Debtor. ...' 11 U.S.C. Sect. 362(a)(1). The stay is designed to

preserve the status quo by precluding and nullifying postpetition judicial or nonjudicial actions against the Debtor and property of the estate in nonbankruptcy forums. ... while giving the Debtor some breathing room. The automatic stay also ensures that the assets of a Debtor are not reduced or disturbed and protects the bankruptcy court's exclusive jurisdiction over the Debtor and its property. ...<sup>1</sup>

An individual injured by any willful violation of a stay shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages.

#### **BACKGROUND – Anti-Discrimination Provision of The Bankruptcy Code**

My employment ended on June 3, 2005 after I reported suspected fraudulent financial activity by Dean Jagdish Chokshi to the Vice President of the Board of Trustees, Robert Melzer on May 27, 2005 [**Attachment II**]; and I unknowingly advised Dean Jagdish Chokshi of a pending meeting with Mr. Melzer.

The Board of Trustees was made aware of my termination; however, their reaction was to protect NHCS, refuse my request for my unpaid wages, and threaten me to stop publicly complaining.

This Debtor affirms she has not willfully or intentionally committed fraud or any misrepresentations as to her employment status with NHCS or her assets to this Court or the Trustee. Debtor was an employee and given the full time equivalence (FTE) of 1.0 by NHCS since her employment began. [**Attachment III**]. *Full time equivalence* is a unit for measuring staff resources. It is a measure as compared to a standard full-time workload. No matter how much evidence I give to the attorneys of my employee status

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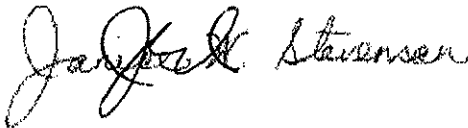
<sup>1</sup> *In Re: Mohawk Greenfield Motel Corp.* (Lawyers Weekly No. 04-025-99) (20 pages) (Boroff, J.) (USBC) Paul R. Salvage for the Debtor; Laura A. Kolaitis for Stetson Management Co.; Jerrold Levinsky for MCAD (Chapter 11 Case No. 98-44133-HJB).

with NHCS, it is the attorneys who insist on misrepresenting the Debtor to various Courts, federal agencies, and state agencies.

THEREFORE, Debtor requests this Honorable Court to issue an order to show Cause for Violation of the Automatic Stay and Anti-Discrimination Provision of Sect 525.

Date: November 12, 2006

Respectfully submitted by:



Janice Stevenson

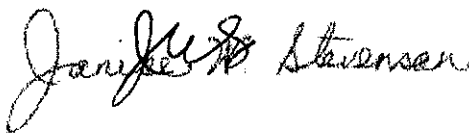
#### CERTIFICATE OF SERVICE

I hereby certify that the Motion and Memorandum in Support to Quash Subpoena, Order to Appear and Show Cause for Violation of Automatic Stay and Continued Violation Of Section 525, and Order To Appear And Show Cause, were filed and that a true copy of the above document was served on by electronic mail or facsimile on November 13, 2006

Carolyn Bankowski  
Chapter 13 Trustee  
P.O. Box 8250  
Boston, MA 02114  
617-723-2998 – fax

Barry Miller and Lynn Kappelman  
World Trade Center East  
Two Seaport Lane, Suite 300  
Boston, MA 02210-2028  
Telephone: (617) 946-4800  
Facsimile: (617) 946-4801

David A. Guadagnoli (BBO# 552759)  
SULLIVAN & WORCESTER LLP  
One Post Office Square  
Boston, MA 02109  
Telephone: (617) 338-2800  
Facsimile: (617) 338-2880



Janice W. Stevenson  
P.O. Box 400372  
Cambridge, MA 02140  
617-721-2638 – phone/voice  
201-622-4890 – fax  
janicestevensonus@gmail.com

NOV 13 '06 PM 12:31 USB

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

In re: JANICE STEVENSON  
SSN: XXX-XX-7512

Debtor,

)  
) Chapter 13  
)

) Case No. 03-12304-JNF  
)

**ORDER TO APPEAR AND SHOW CAUSE**

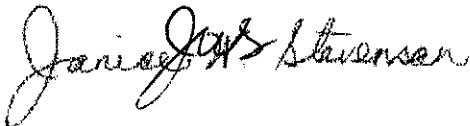
This proceeding is before the Court upon the Debtors' Motion to Show Cause filed in this case against Neighborhood House Charter School. The motion alleges a violation of the automatic stay order when NHCS issued a subpoena against the debtor's bank account.

**IT IS THEREFORE ORDERED** that a representative of NHCS show cause, if any it may have, before this Court why they intentionally violated the automatic stay order. A show cause hearing will be held before the U.S. Bankruptcy Court on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**IT IS SO ORDERED.**

Date: November 12, 2006

Respectfully submitted by:



Janice Stevenson

# **ATTACHMENT I**

---

OAO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

## UNITED STATES DISTRICT COURT

DISTRICT OF Massachusetts

JANICE STEVENSON

V.

NEIGHBORHOOD HOUSE CHARTER SCHOOL

## SUBPOENA IN A CIVIL CASE

Case Number: 05-CV-11584-DPW

TO:

Keeper of the Records for Wainwright Bank & Trust Company  
63 Franklin Street, Boston, MA 02110☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Please see attached Schedule A.

PLACE

Please mail above records to the attention of:

Barry J. Miller, Esq., Seyfarth Shaw LLP, Two Seaport Lane, Boston, 02210

DATE AND TIME

by Monday, November 20, 2006

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

For Defendant Neighborhood House Charter School

DATE

November 8, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Barry J. Miller, Esq., Seyfarth Shaw LLP, Two Seaport Lane, Boston, MA 02210 617-946-4800

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on next page.)

\*If action is pending in district other than district of issuance, state district under case number.

American LegalNet, Inc.  
www.USCourtForms.com



### Schedule A

1. All documents pertaining to any and all accounts maintained by or on behalf of Janice W. Stevenson (SSN: 437-04-7512, dob: 10/24/56) from January 1, 2000 to the present, including without limitation documents reflecting the opening or closure of such accounts; all deposits to, withdrawals from, and transfers to and/or from such accounts; and any levies, attachments or other encumbrances imposed on such accounts by any agency or instrumentality of the state or federal government or by any private entity.
2. All documents pertaining to any and all accounts maintained by or on behalf of TuckNT or any other enterprise operated by or on behalf of Janice W. Stevenson from January 1, 2000 to the present, including without limitation documents reflecting the opening or closure of such accounts; all deposits to, withdrawals from, and transfers to and/or from such accounts; and any levies, attachments or other encumbrances imposed on such accounts by any agency or instrumentality of the state or federal government or by any private entity.

# **ATTACHMENT II**

---

Robert Melzer [melzer@mba1969

Page 1 of 2

**Stevenson, Janice W.**

**From:** Janice W. Stevenson  
**Sent:** Monday, June 06, 2005 8:25 AM  
**To:** 'melzer@mba1969.hbs.edu'  
**Subject:** Robert Melzer Thank You.doc

Thank you for taking the time from you busy day to listen to my concerns.

Janice

June 6, 2005  
P.O. Box 400372  
Cambridge, MA 02140

Mr. Robert Melzer  
Vice President of the Board of Trustees  
Of the Neighborhood House Charter School  
61 Monmouth Street  
Brookline, MA 02446

Dear Vice President Melzer:

Thank you for speaking with me by telephone on May 27, 2005. During that telephone call I informed you I suspected Dean Jagdish Chokshi of misuse of NHCS' petty cash and ATM/Credit Card. My suspicion was based on conversations and observations of Dean Jagdish Chokshi. Both Genevieve Davis, another consultant hired by NHCS', and myself have noted the lack of documentation of petty cash.

The ATM/Credit card was obtained for online access of NHCS' school's operating account with Bank of America to assist administration in confirming MDOE payments, deposits, and bank reconciliation. I was told by Dean Chokshi to never give the card's number to the staff to order or pay for merchandise. Dean Chokshi reminded me that the card directly accessed NHCS' monies in its operating account. However, approximately March 2005, the Dean informed me that he had purchased a digital camera over the weekend with NHCS' ATM/credit card. He stated, "I did not have my card on me."

There are no written internal procedures in place to deter fraud and/or insure compliance with state and federal laws in Human Resources, Finance, Payroll, Public Funding etc. Dean Chokshi has continually advised me verbally and in writing that he is not concerned with the "letter of the law".

1. I started to suspect Dean Chokshi in April 2005 of illegally using petty cash, when he informed me that he was paying Ms. Lynn Clark, an intern, \$20 hours from petty cash. However, my concern is should Ms. Clark be paid through petty cash?

11/10/2006

Robert Melzer [melzer@mba1969

Page 2 of 2

According to Dean Chokshi, Ms. Clark, went to graduate school with him. Her current duties are to inventory the financial files. Dean Chokshi and Ms. Clark vacationed together in May 2005 in North Carolina.

One morning, Dean Chokshi stated to me that Mr. Austin Smith and you advised him to obtain additional help. This advice was the result of your observation of Dean Chokshi's lack of preparation for a BoT committee meeting.

2. Dean Chokshi has continually directed me to pay employees who did not turn in a signed timesheet to payroll. FLSA requires a timesheet for nonexempt employees and NHCS policy directs employees to turn in timesheets. NHCS currently has misclassified certain employees who are nonexempt as exempt to avoid paying overtime.
3. In addition, the master payroll file is not in compliance, human resource files are not in compliance, NHCS has unreported wages of employees L&DA over \$50,000, etc.

11/10/2006

# ATTACHMENT III

NHCS  
FY05 Operating Budget

Salaries  
Page 1 of 4  
Created by Jagdish Choksh  
Monday, October 18, 2004 4:58:31 PM

		FTE	Raise Amt	FY05 Approved Budget	Actual Payroll \$
<b>Management</b>					
Headmaster		1.00			
Dep Headmaster		0.17			
Dir of Development		1.00			
Dean of Admin & Fin		1.00			
Finance & Ops Mgr		1.00			
Development Assoc		1.00			
Office Mgr		1.00			
		6.17			
<b>Instruction</b>					
Assist. Headmaster		1.00			
Dean of LS		1.00			
Dean of MS		1.00			
<b>Lower School</b>					
Grade 5 Teacher		1.00			
Grade K2 Teacher		1.00			
Grade 3 Teacher		1.00			
KIDLAB Teacher		0.80			
Grade 4 Teacher		1.00			
Grade 2 Teacher		1.00			
Phys Ed Teacher		0.60			
Title 1 Teacher		0.80			

**REDACTED**

NHCS  
FY05 Operating Budget

Salaries  
Page 2 of 4  
Created by Jagdish Choksh  
Monday, October 18, 2004 4:58:31 PM

	FTE	Raise Amt	FY05 Approved Budget	Actual Payroll \$
Title 1 Teacher	0.00			
Specialist - Reading	0.50			
Grade 1 Teacher	1.00			
Grade K2 Teacher	1.00			
Grade K1 Teacher	1.00			
Grade K2 Teacher	1.00			
Grade K2 Assoc. Teacher	1.00			
Grade K1 Assoc. Teacher	1.00			
Reading First Stipends				
Title 1 Math Task Force Stipend				
Middle School				
Math Teacher	1.00			
Math Teacher	0.50			
English Teacher	1.00			
Spanish Teacher	1.00			
Soc Stud Teacher	1.00			
Science Teacher	1.00			
Music Teacher	1.00			
Art Teacher	1.00			
Specialist - Writing	0.40			
Reading First Coordinator	1.00			
??	0.80			
Special Education	1.00			

REDACTED

REDACTED



NHCS  
FY05 Operating Budget

Salaries  
Page 3 of 4  
Created by Jagdish Choksh  
Monday, October 16, 2004 4:58:31 PM

		FTE	Raise Amt	FY05 Approved Budget	Actual Payroll \$
Special Education		1.00			
Special Education OT		0.40			
Special Education Intern					
Special Education Stipend					
TechLab Teacher		0.50			
PSI					
Director		1.00			
1		1.00			
2		1.00			
3		1.00			
Teacher Stipend					
Student Support					
Dean of Student Support		1.00			
Family Center Coordinator		0.50			
HS Placement		1.00			
After School Director		0.75			
After School Staff		0.50			
After School Staff		0.50			
After School Staff		0.50			
After School Stipends					
Summer					
Summer Leader		1.00			
Summer Leader		1.00			

NHCS  
FY05 Operating Budget

Salaries  
Page 4 of 4  
Created by Jagdish Choksh  
Monday, October 16, 2004 4:58:31 PM

		FTE	Raise Amt	FY05 Approved Budget	Actual Payroll \$
Summer Teacher		1.00			
Summer Teacher		1.00			
Summer Teacher		1.00			
Summer Teacher		1.00			
Summer Teacher Assit		1.00			
Summer Teacher Assit		1.00			
Summer Teacher Assit		1.00			
Summer Teacher Assit		1.00			
Summer Teacher Assit		1.00			
		55.22			
		61			

REDACTED